



MEMORANDUM

DATE: May 15, 2008

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD – Executive Office

SUBJECT: Notice and Agenda for the May 27, 2008, Meeting of the State Personnel Board

PLEASE TAKE NOTICE that on May 27, 2008, at the offices of the California State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814, the State Personnel Board will hold its regularly scheduled meeting.

The attached Agenda provides a brief description of each item to be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you have questions or wish to obtain a copy of any materials related to items considered in the public sessions, please visit the SPB website at www.spb.ca.gov or contact staff in the Secretariat's Office via mail at State Personnel Board, 801 Capitol Mall, MS 52, Sacramento, California 95814 or by calling (916) 653-1028.

Secretariat's Office

Attachment



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov

ARNOLD SCHWARZENEGGER, Governor



BOARD MEETING – MAY 27, 2008 ¹

**9:00 a.m. – 10:30 a.m.
(Or upon completion of business)**

Public and Closed Session Location

801 Capitol Mall, Room 150
Sacramento, CA 95814

¹ Sign Language Interpreter will be provided for Board Meeting upon request – contact Secretariat at (916) 653-1028.

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

9:00 a.m.

- 1. ROLL CALL**
- 2. REPORT OF THE EXECUTIVE OFFICER**
- Suzanne M. Ambrose
- 3. REPORT OF THE CHIEF COUNSEL**
- Elise S. Rose
- 4. REPORT ON LEGISLATION**
- Carol Ong
- 5. NEW BUSINESS**
Items may be raised by Board Members for scheduling and discussion for future meetings.
- 6. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULED FOR JUNE 10, 2008, IN SACRAMENTO, CALIFORNIA.**
- 7. BRIEFING - CHANGES TO THE CERTIFICATION LIST CLEARANCE PROCESS**
- CA State Personnel Board Staff

Staff will update the Board on changes to the certification list clearance process.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 8. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**
Deliberations to consider matters submitted at prior hearing.
[Government Code Sections 11126(c)(3), 18653(3).]
- 9. DELIBERATION ON NON-EVIDENTIARY CASES AND ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**
Deliberations on proposed, rejected, remanded, and submitted decisions, petitions for rehearing, and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself.
[Government Code sections 11126(c)(3), 18653.]

10. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1), 18653.]

California Highway Patrol, et al. v. State Personnel Board, et al.
Sacramento Superior Court
Case No. 34-2008-00002G14-CU-WM-GDS

California Department Corrections and Rehabilitation, et al. v. State Personnel Board, et al.
Sacramento Superior Court
Case No. 34-2007-00883875-CU-WM-GDS

Patrick McCollum v. State of California
United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.
Case No. C01-1351 TEH

11. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the Legislature.
[Government Code section 18653.]

12. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

BOARD ACTIONS:

13. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF THE APRIL 22, 2008, BOARD MEETING.

14. EVIDENTIARY CASES

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

(1) CASE NO. 07-0850A

Appeal from non-punitive termination

Classification: Clinical Social Worker

Department: Department of Corrections and Rehabilitation

Proposed decision rejected September 24, 2007.

Transcript prepared.

Oral argument set for February 4-5, 2008, Sacramento.

Oral argument continued.

Oral argument set for March 3-4, 2008, Los Angeles.

Oral argument continued.

Oral argument heard April 7, 2008, Sacramento.

Case ready for decision by FULL Board.

(2) CASE NO. 05-3327A

Appeal from dismissal

Classification: Medical Technical Assistant

Department: Department of Corrections and Rehabilitation

Proposed decision rejected July 10, 2007.

Transcript prepared.

Oral argument set for February 4-5, 2008, Sacramento.

Oral argument continued.

Oral argument heard March 4, 2008, Los Angeles.

Case ready for decision by FULL Board.

(3) CASE NO. 06-3747A

Appeal from dismissal

Classification: Parole Agent I

Department: Department of Corrections and Rehabilitation

Proposed decision rejected January 8, 2008.

Transcript prepared.

Oral argument heard May 13, 2008, Sacramento.

Case ready for decision by FULL Board.

B. ORAL ARGUMENTS

These cases will be argued at this meeting or will be considered by the Board in closed session based on written arguments submitted by the parties.

NONE

C. **CHIEF COUNSEL RESOLUTIONS, REMANDS, STIPULATIONS,
OTHER**

NONE

D. **ADMINISTRATIVE LAW JUDGE'S (ALJ's) PROPOSED
DECISIONS**

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

PROPOSED DECISIONS

These are ALJ proposed decisions submitted to the Board for the first time.

(1) **CASE NO. 07-2784**

Appeal from formal reprimand

Classification: Correctional Lieutenant

Department: Department of Corrections and
Rehabilitation

(2) **CASE NOS. 07-0073 & 07-0078**

Appeal from non-punitive termination and dismissal

Classification: Correctional Officer

Department: Department of Corrections and
Rehabilitation

(3) **CASE NO. 07-3373**

Appeal from dismissal

Classification: Caltrans Highway Maintenance Worker

Department: Department of Transportation

(4) **CASE NO. 07-3035**

Appeal from ten percent reduction in salary for eighteen
pay periods

Classification: Correctional Officer

Department: Department of Corrections and
Rehabilitation

- (5) **CASE NO. 05-2687**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (6) **CASE NO. 05-3439D**
Appeal from results of Managerial Selection Demonstration Project Examination
Classification: Supervising Transportation Engineer
Department: Department of Transportation
- (7) **CASE NO. 07-2026, CASE NO. 07-2720, & CASE NO. 07-2099**
Appeals from five percent reduction in salaries for nine months
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (8) **CASE NO. 07-2105**
Appeal from ten percent reduction in salary for 24 months
Classification: Correctional Counselor I
Department: Department of Corrections and Rehabilitation
- (9) **CASE NO. 06-4111**
Appeal from dismissal
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
- (10) **CASE NO. 07-2612**
Appeal from ten days suspension
Classification: Associate Information Systems Analyst
Department: Department of Fair Employment and Housing
- (11) **CASE NO. 07-0043**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

(12) CASE NO. 07-2679

Appeal from one-step reduction in salary for five months

Classification: Heavy Truck Driver (Correctional Facility)

Department: Department of Corrections and
Rehabilitation

PROPOSED DECISIONS AFTER BOARD REMAND

(13) CASE NO. 05-3691R

Appeal from dismissal

Classification: Youth Correctional Officer

Department: Department of Corrections and
Rehabilitation

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

(1) CASE NO. 06-4546NP

Appeal from withhold

Classification: Correctional Officer

Department: Department of Corrections and
Rehabilitation

(2) CASE NO. 07-1577P

Appeal from withhold

Classification: Correctional Officer

Department: Department of Corrections and
Rehabilitation

(3) CASE NO. 07-2064P

Appeal from rejection during probationary period

Classification: Supervisor of Academic Instruction
(Correctional Facility)

Department: Department of Corrections and
Rehabilitation

(4) CASE NO. 06-4434EP

Appeal from denial of discrimination complaint and whistleblower retaliation

Classification: Painter II

Department: Department of Corrections and Rehabilitation

WHISTLEBLOWER NOTICE OF FINDINGS

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case previously decided pursuant to Government Code, section 19683 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

(1) CASE NO. 06-0817A

Appeal from dismissal

Classification: Industrial Relations Counsel IV

Department: Department of Industrial Relations

Proposed decision rejected May 25, 2008.

Transcript prepared.

Oral argument set for June 9-10, 2008, Sacramento.

Oral argument continued.

Oral argument set for July 7-8, 2008, Sacramento.

(2) CASE NO. 06-2737PA

Appeal from dismissal

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted April 22, 2008.

Transcripts prepared.

(3) CASE NO. 07-2189A

Appeal from non-punitive termination

Classification: Vocational Instructor (Welding), Correctional Facility.

Department: Department of Corrections and Rehabilitation

Proposed decision rejected March 4, 2008.

Transcript prepared.
Oral argument set for June 9-10, 2008, Sacramento.

- (4) **CASE NO. 07-2966E**
Appeal from discrimination complaint
Classification: Environmental Planner
Department: Department of Transportation
Case taken under submission at the April 22, 2008 Board meeting.
Proposed decision rejected May 13, 2008.
- (5) **CASE NO. 07-4470**
Appeal from twenty-two working days suspension
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Proposed decision rejected May 13, 2008.
- (6) **CASE NO. 07-2581**
Appeal from rejection during probation
Classification: Correctional Officer Cadet
Department: Department of Corrections and Rehabilitation
Proposed decision rejected on May 13, 2008.
- (7) **CASE NO. 07-1295**
Appeal from dismissal
Classification: Fire Apparatus Engineer-Paramedic
Department: Department of Forestry and Protection
Proposed decision rejected on May 13, 2008.

15. RESOLUTION EXTENDING TIME PURSUANT TO GOVERNMENT CODE SECTION 18671.1

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

16. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division

staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

- (1) **CASE NO. 06-4573N**
Classification: Youth Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; personal relationship with one or more individuals who are currently under the jurisdiction of the CDCR.
- (2) **CASE NO. 06-4713N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information and furnishing inaccurate employment information.
- (3) **CASE NO. 06-4722N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; DUI conviction.
- (4) **CASE NO. 06-3959N**
Classification: Cadet
Department: California Highway Patrol
Issue: Suitability; negative employment record and failure to timely meet financial obligations.
- (5) **CASE NO. 06-4521N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; termination of employment within one year of application to the CDCR.
- (6) **CASE NO. 06-4470N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; illegal drug usage.

- (7) **CASE NO. 06-4022N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; illegal drug usage.
- (8) **CASE NO. 06-3611N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; discrepancies in the information he submitted regarding his military service.
- (9) **CASE NO. 06-4695N**
Classification: Youth Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts.
- (10) **CASE NO. 06-3575N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts.
- (11) **CASE NO. 06-4617N**
Classification: Associate Governmental Program Analyst
Department: Department of Health Services
Issue: Suitability; minimum qualifications.
- (12) **CASE NO. 06-3750N**
Classification: Youth Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history, omitting pertinent information, and furnishing inaccurate information.

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

CASES HEARD BY A STAFF HEARING OFFICER

- (1) **CASE NO. 07-2268N**
Classification: Cadet
Department: California Highway Patrol

DISMISSED CASES

(1) CASE NO. 07-1638N

Classification: Correctional Officer

Department: California Department of Corrections & Rehabilitation

**C. EXAMINATION APPEALS, MINIMUM QUALIFICATIONS, MERIT
ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

(1) CASE NO. 06-4686N

Classification: Psychiatric Technician (Safety)

Department: Developmental Services

**D. RULE 211 APPEALS, RULE 212 OUT OF CLASS APPEALS,
VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

NONE

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

(1) CASE NO. 06-2289N

Classification: Fire Apparatus Engineer (Paramedic)

Department: Department of Forestry and Fire Protection

Issue: The charging party requests to file charges for violations of various subsections of Government Code section 19572.

PETITIONS FOR REHEARING CASES

NONE

17. NON-HEARING AGENDA

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing. Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII of the California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend that the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

NONE

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of

these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

<u>Title</u>	<u>Class Code</u>
Fiscal Systems Analyst, Caltrans	2248
Staff Fiscal Systems Analyst, Caltrans	2257
Associate Fiscal Systems Analyst, Caltrans	2249
Staff Fiscal Systems Analyst, Caltrans (Specialist)	2250
Senior Fiscal Systems Analyst, Caltrans (Specialist)	2252
Senior Fiscal Systems Analyst, Caltrans (Supervisor)	2253
Supervising Fiscal Systems Analyst, Caltrans	2254
Deputy Director, Client Services	1969
Media Director, Fair Political Practices Commission	4143

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Operations Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) ASSISTANT CHIEF COUNSEL

The Department of Health Care Services proposes to allocate the above position to the CEA category. The position ensures that federal mandates are properly implemented, enabling the state to take advantage of and maximize federal funding in a timely manner, a legal team is available for the creation of new programs or waivers which comply with applicable federal, state and local laws in order to secure reliable funding sources for health care delivery; consult and advise DHCS, the California Health and Human Services Agency, legislators, counties, federal partners and stakeholders to coordinate legal requirements in support of DHCS program goals, and ensure consistent implementation of balanced and well-developed policies.

(2) CHIEF FOR THE CALIFORNIA OFFICE OF BINATIONAL BORDER HEALTH

The California Department of Public Health proposes to allocate the above position to the CEA category. The position will be responsible for integrating public health program efforts to protect the health of all area residents along the California-Baja Mexico border, as well as migrant populations within California by setting, developing, implementing, and managing policy.

(3) DEPUTY DIRECTOR, HEALTH CARE DATA AND PROVIDER SERVICES

The Department of Corrections and Rehabilitation propose to allocate the above position to the CEA category. The position, under the general direction of the Director, Plata Support Services, establishes policies and procedures to manage the accounts payable function within the Plata Receivership. The incumbent manages and coordinates all activities required to ensure an accurate accounts payable system.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS
TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**(1) ASSISTANT SECRETARY, CALIFORNIA BUSINESS
INVESTMENT SERVICES (CalBIS)**

The Labor and Workforce Development Agency's request to allocate the above position was approved effective April 11, 2008.

(2) GENERAL COUNSEL

The California Infrastructure and Economic Development Bank's (I-Bank) request to allocate the above position was approved effective April 11, 2008.

(3) CHIEF, OFFICE OF SELF-INSURANCE PLANS

The Department of Industrial Relations' request to allocate the above position was approved effective March 21, 2008.

**(4) BUREAU CHIEF, VOCATIONAL NURSING AND
PSYCHIATRIC TECHNICIAN BUREAU**

The Department of Consumer Affairs' request to allocate the above position was approved effective April 17, 2008.

**(5) BUREAU CHIEF, BARBERING AND COSMETOLOGY
BUREAU**

The Department of Consumer Affairs' request to allocate the above position was approved effective April 17, 2008.

(6) BUREAU CHIEF, DENTAL BUREAU

The Department of Consumer Affairs' request to allocate the above position was approved effective April 17, 2008.

**(7) DEPUTY DIRECTOR, COUNTY FACILITIES
CONSTRUCTION, CORRECTIONS STANDARDS
AUTHORITY**

The CA Department of Corrections and Rehabilitation's request to allocate the above position was approved effective April 17, 2008.

**(8) CHIEF, DIVISION OF PLANNING AND LOCAL
ASSISTANCE**

The Department of Water Resources' request to allocate the above position was approved effective May 1, 2008.

19. STAFF AGENDA ITEMS FOR BOARD INFORMATION

CAL FIRE TRANSFER OF HALF MOON BAY FIRE DISTRICT EMPLOYEES

The Department of Forestry and Fire Protection (CAL FIRE) requests that the Half Moon Bay District employees be transferred into State civil service.

20. BOARD ACTIONS ON SUBMITTED ITEMS

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

(1) CASE NO. 07-0850A

Appeal from non-punitive termination

Classification: Clinical Social Worker

Department: Department of Corrections and Rehabilitation
(Oral argument heard April 7, 2008, Sacramento)

(2) CASE NO. 05-3327A

Appeal from dismissal

Classification: Medical Technical Assistant

Department: Department of Corrections and Rehabilitation
(Oral argument heard March 4, 2008, Los Angeles)

(3) CASE NO. 06-3747A

Appeal from dismissal

Classification: Parole Agent I

Department: Department of Corrections and Rehabilitation
(Oral argument heard May 13, 2008, Sacramento)

A D J O U R N M E N T



MEMORANDUM

DATE: May 27, 2008
TO: STATE PERSONNEL BOARD
FROM: MIKE STRAZZO, Merit Operations Division
SUBJECT: NON-HEARING AGENDA ITEMS FOR BOARD ACTION

A. NONE

B. ABOLISHMENT OF CLASSES

<u>Title</u>	<u>Class Code</u>
• Fiscal Systems Analyst, Caltrans	2248
• Staff Fiscal Systems Analyst, Caltrans	2257
• Associate Fiscal Systems Analyst, Caltrans	2249
• Staff Fiscal Systems Analyst, Caltrans (Specialist)	2250
• Senior Fiscal Systems Analyst, Caltrans (Specialist)	2252
• Senior Fiscal Systems Analyst, Caltrans (Supervisor)	2253
• Supervising Fiscal Systems Analyst, Caltrans	2254
• Deputy Director, Client Services	1969
• Media Director, Fair Political Practices Commission	4143

TO: STATE PERSONNEL BOARD

FROM: Dave Rechs, Staff Personnel Program Analyst
Classification and Compensation Division

REVIEWED BY: Belinda Collins, Chief
Classification and Compensation Division

SUBJECT: Abolishment of Vacant Civil Service Classes

SUMMARY OF ISSUES:

In the interest of maintaining the State's overall classification plan, the Department of Personnel Administration and State Personnel Board propose to abolish the following nine vacant classifications. These classes have gone unused for more than twenty-four months, and their future use is not anticipated. Since some of these classifications are part of a series, we have included the class specification in the board item.

CONSULTED WITH:

Debra Thompson, Caltrans
Chris Rose, Caltrans
Debbie True, Department of Personnel Administration
Daphne Baldwin, State Personnel Board
Kathleen O'Conner, SEIU, Local 1000

All pertinent exclusive representatives have been noticed regarding this proposed class abolishment and there have been no objections.

RECOMMENDATIONS:

That effective May 27, 2008, the below civil service classes listed in this calendar be abolished.

Title	Class Code
Fiscal Systems Analyst, Caltrans	2248
Staff Fiscal Systems Analyst, Caltrans	2257
Associate Fiscal Systems Analyst, Caltrans	2249
Staff Fiscal Systems Analyst, Caltrans (Specialist)	2250
Senior Fiscal Systems Analyst, Caltrans (Specialist)	2252
Senior Fiscal Systems Analyst, Caltrans (Supervisor)	2253
Supervising Fiscal Systems Analyst, Caltrans	2254
Deputy Director, Client Services	1969
Media Director, Fair Political Practices Commission	4143



MEMORANDUM

DATE: May 27, 2008
TO: STATE PERSONNEL BOARD
FROM: MIKE STRAZZO, Merit Operations Division
SUBJECT: STAFF AGENDA ITEMS FOR BOARD INFORMATION

CAL FIRE TRANSFER OF HALF MOON BAY FIRE DISTRICT EMPLOYEES

The Department of Forestry and Fire Protection (CAL FIRE) requests that the Half Moon Bay Fire District employees be transferred into State civil service.

To: State Personnel Board

From: Daphne Baldwin, Manager
Merit Operations Division

Subject: Blanketing Half Moon Bay Fire Protection District Employees into
State Civil Service

PROPOSED ACTION:

The California Department of Forestry and Fire Protection (CAL FIRE) requests that the Half Moon Bay Fire Protection District employees be transferred into State civil service.

Staff is in agreement with this proposal.

CONSULTED WITH:

Larry Menth, CAL FIRE
Cheryl Robertson, CAL FIRE
Tony Favro, CAL FIRE
Denise Masuhara, CAL FIRE
Windy C. Bouldin, CAL FIRE

BACKGROUND:

1. Effective June 2, 2008, CAL FIRE will enter into an agreement with the Half Moon Bay Fire Protection District to provide fire protection services. CAL FIRE will assume responsibility for command and control of operations, personnel management, community preparedness services, fire prevention and fire protection planning, training and safety, and equipment and facility maintenance of the Half Moon Bay Fire Protection District.

A cooperative fire agreement sets forth the fire protection services to be furnished by the State, administered by the CAL FIRE's Unit Chief, with reimbursement of costs made to the State by the local agency.

The authorized positions will be within the State civil service; and the salaries, hours, fringe benefits, and working conditions are established in accordance with State civil service law and rules.

To ensure continuity of operation and a minimum of disruption to ongoing functions, it is proposed to transfer the Half Moon Bay Fire Protection District employees to equivalent State civil service classifications without examination effective June 2, 2008.

2. All persons subject to transfer under this proposal will be allocated to existing State civil service classifications in accordance with Title 2, California Code of Regulations Section 275, Transferring into State Civil Service. No new classifications are proposed.

As provided in Title 2, California Code of Regulations Section 275, "When it is necessary for the State of California to assume work previously performed by a county, city, federal department or agency, or public district, the Board by resolution shall permit the employees who previously performed the work to qualify in State service in their positions upon allocation of their positions to an appropriate class in the State classification plan and in accordance with standards and procedures established by the executive officer." (Authority: Government Code Section 18701)

Government Code Section 19994 further provides in part that "...the Department (Department of Personnel Administration) may determine the extent, if any, to which the employees employed by the other public agency on the date of transfer are entitled to have credited to them in the State civil service, seniority credits, accumulated sick leave, and accumulated vacation because of service with the former agency... The Department shall limit that determination to the time any transferred employees were employed in the specific function or a function substantially similar while in the former agency and the seniority credits and accumulated sick leave and accumulated vacation shall not exceed that to which each employee would be entitled if he or she had been continuously employed by the State of California."

3. CAL FIRE staff has reviewed and compared the duties and salaries of employees transitioned and are satisfied that they can appropriately be classified as follows:

- 1 Assistant Chief (Supervisory)
- 3 Battalion Chief (Nonsupervisory)
- 1 Staff Services Analyst (General)
- 1 Office Technician (Typing)
- 1 Heavy Equipment Mechanic
- 2 Fire Apparatus Engineer
- 8 Fire Apparatus Engineer (Paramedic)
- 3 Fire Captain
- 3 Fire Captain (Paramedic)

4. CAL FIRE indicates that layoffs will not occur as a result of this action. The current incumbents are already performing these duties at the local level and positions are being established. However, in the event of a layoff in the classifications being used in the Half Moon Bay Fire Protection District contract, the blanketed-in employees will be subject to the layoff rules of the California State civil service.

RECOMMENDATION:

That the following resolution be adopted:

WHEREAS Title 2, California Code of Regulations Section 275 provides, "When it is necessary for the State of California to assume work previously performed by a county, city, federal department or agency, or public district, the Board by resolution shall permit the employees who previously performed the work to qualify in State service in their positions upon allocation of their positions to an appropriate classification in the State classification plan and in accordance with standards and procedures established by the executive officer;" and

WHEREAS effective June 2, 2008, CAL FIRE will assume the functions of the Half Moon Bay Fire Protection District. Therefore be it

RESOLVED, that effective June 2, 2008, the civil service employees now employed by the Half Moon Bay Fire Protection District shall be transferred to equivalent State classifications as determined by CAL FIRE as shown below without examination; and be it further

RESOLVED, that all persons holding Half Moon Bay Fire Protection District positions for one year or more immediately preceding the effective date of such action shall continue to hold their positions as permanent civil service employees in the equivalent State classifications; and be it further

RESOLVED, that all persons holding Half Moon Bay Fire Protection District positions for less than one year immediately preceding the effective date of such action shall continue to hold their positions subject to the probationary period established for the State classification to which assigned; and be it further

RESOLVED, that the Half Moon Bay Fire Protection District has no employees currently on non-pay status; and be it further

RESOLVED, that any Half Moon Bay Fire Protection District employee who is injured or becomes ill on the job prior to the effective date of June 2, 2008, shall not be transferred to the equivalent State classification until such time as the employee is medically released to full duty; and be it further

RESOLVED, that all persons who have previously held Half Moon Bay Fire Protection District positions that are now to be under CAL FIRE shall have all civil service rights that would have accrued if such former service had been under State civil service.

Illustration of appropriate "from" and "to" classifications:

FROM	TO
HALF MOON BAY FIRE PROTECTION DISTRICT CLASSIFICATION	CAL FIRE STATE CLASSIFICATION
Interim Fire Chief	Assistant Chief
Division Chief	Battalion Chief
Administrative Secretary	Staff Services Analyst (General)
Administrative Assistant	Office Technician (Typing)
Fire Mechanic	Heavy Equipment Mechanic
Firefighter	Fire Apparatus Engineer
Firefighter (Paramedic)	Fire Apparatus Engineer (Paramedic)
Fire Captain	Fire Captain
Fire Captain (Paramedic)	Fire Captain (Paramedic)

STAFF ITEM APPROVAL

SPB Staff Signature: 

Title: Staff Services Manager I
CEA and Board Item Unit

Date: 5-7-08